

HEINS MILLS & OLSON, P.L.C.

ATTORNEYS AT LAW

3550 IDS CENTER

80 SOUTH EIGHTH STREET

MINNEAPOLIS, MINNESOTA 55402

TEL (612) 338-4605 • FAX (612) 338-4692

WWW.HEINSMILLS.COM

SAMEUL D. HEINS

SHEINS@HEINSMILLS.COM

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U.S. DISTRICT COURT
DISTRICT OF MASS.
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October 13, 2004

VIA FEDERAL EXPRESS

Honorable Edward F. Harrington
United States District Court for the
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Room #19, 7th Floor
Boston, Massachusetts 02210

Re: Martha Kristian and James D. Masterman v. Comcast Corporation, et al.
Civil Action No. 03-CV-12466 EFH;

Jack Rogers and Paul Pinella v. Comcast Corporation and AT&T Broadband
Civil Action No. 04-10142 EFH

Dear Judge Harrington:

The Court presently has pending before it in the above antitrust cases Defendants' Motions to Compel Arbitration, which are opposed by Class Plaintiffs. On behalf of Plaintiffs, we respectfully bring to the Court's attention the enclosed copy of the Order – Memorandum issued on October 8, 2004, by the Honorable John R. Padova in the case of *Marc Dambrosio, et al. v. Comcast Corporation, et al.*, No. 03-6604 (E.D. Pa.), denying Defendants' similar Amended Motion to Compel Arbitration.

In that case, Judge Padova held that Defendants' arbitration clauses were unenforceable due to Defendants' failure to comply with federal regulations requiring that Defendants provide an advance 30 day notice to subscribers of any "significant changes" to the conditions of subscribership. In each of the above captioned cases, Plaintiffs argued, as one of numerous grounds for denying Defendants' motion, that Defendants failed to comply with these federal regulatory requirements. See, in both *Kristian* and *Rogers*, Class Plaintiffs' (Corrected)

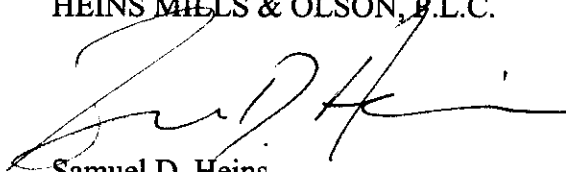
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Opposition To Defendants' Amended Motion To Compel Arbitration, at 18 and 19, and Class Plaintiffs' Surreply Memorandum, at 4-6.

Thank you for your consideration in this matter

Very truly yours,

HEINS MILLS & OLSON, P.L.C.



Samuel D. Heins

SDH:dd

Enclosure

cc: John Peter Zavez
Mark A. Berthiaume
George L. Paul
Jaime Bianchi
Kari Jo Barwind